

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, May 3, 2005**

**Present:** Commissioner President Thomas F. McKay  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
George G. Forrest, County Administrator  
Donna Gebicke, Administrative Assistant (Recorder)

**CALL TO ORDER**

The meeting was called to order at 9:12 a.m.

***APPROVAL OF CHECK REGISTER***

**Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for two bills totaling \$900 for Lorenzo as referred to in the memo from Chief Financial Officer Elaine Kramer. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meetings of Tuesday, April 26, 2005. Motion carried.**

**PROCLAMATIONS**

The Commissioners presented proclamations to the Nursing Center staff in recognition of National Nursing Home Week, National Volunteer Week, National Nurses Week, and National Nursing Assistants Week.

**PROPOSED TEXT AMENDMENT TO EXISTING RIGHT TO FARM PROVISION IN THE COMPREHENSIVE ZONING ORDINANCE**

**Present:** Denis Canavan, Director, Land Use & Growth Management  
Yvonne Chaillet, Zoning Administrator

Following discussions with the Farm Bureau, the Agriculture, Seafood and Forestry Commission, and the Agriculture Land Preservation Advisory Board on ways to

strengthen the language in Chapter 53 and the definitions in Article 9 of the current Comprehensive Zoning Ordinance, Mr. Canavan recommended further study of the following proposed changes to the Ordinance to further protect the right to farm:

Page 53-1: Amend Section 53.2 Implementation to include: “Agriculture, aquaculture and silviculture are also allowed in other zoning districts *(to recognize that farming also takes place in districts other than the rural preservation district)*).

Amend Article 9. Definitions:

Page 90-1, line 23: Amend the definition of Agricultural Activity to read as follows *(new language is underlined, deleted language indicated by strikethrough)*:

**Agricultural Activity.** Farming activities, including but not limited to plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products, ~~except commercial logging and timber harvesting operations~~” *(statement is redundant, as silviculture also refers to forestry)* the grazing of livestock, manure storage/composting, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

Page 90-1, line 30: Amend the definition of Agricultural Operation as follows:

Delete reference to Code Ann. 5-308(a) and replace with 5-403(a)

Page 90-2, line 13: Amend the definition of Areas of Animal Confinement to read as follows *(deleted language indicated by strikethrough)*:

**Areas of Animal Confinement:** Structures feeding or storage and sleeping areas, and fenced in ~~yards~~ areas over which animals are allowed to roam.

Page 90-2, line 38: Amend the definition of Bona-Fide Agricultural Use or Activity as follows:

Delete “except commercial logging and timber harvesting operations.”

**Commissioner Mattingly moved, seconded by Commissioner Jarboe to authorize staff to proceed through the Text Amendment Policy process on this subject matter. Motion carried 5-0.**

*Commissioner Mattingly advised the Board that he would be presenting a proposed amendment regarding signage for non-profits at a future meeting.*

## **LEONARDTOWN ELEMENTARY SCHOOL MUSICAL PRESENTATION**

Students from the Leonardtown Elementary School Orchestra performed several musical selections and received commendations from the Board.

## **ST. MARY'S COUNTY PUBLIC SCHOOLS BRIDGE TO EXCELLENCE PRESENTATION**

*Present:*     **Dr. Lorraine Fulton, Interim Superintendent, SMCPs**  
Dr. Edward Weiland, Interim Deputy Superintendent  
Ms. Linda Dudderar, Dir. of Elementary Curriculum and Instruction  
Mr. Daniel Carney, Chief Financial Officer  
**Ms. Cathy Allen, Chair, St. Mary's County Board of Education**  
Dr. Sal Raspa, Vice Chair, Board of Education  
Ms. Mary Washington, Member, Board of Education  
Mr. Gary Kessler, Member, Board of Education

Dr. Fulton presented the first annual St. Mary's County Public Schools Bridge to Excellence Report for 2004-2005, as called for in the Board of County Commissioners and Board of Education of St. Mary's County Joint Resolution signed in April 2004. The Joint Resolution signifies both Boards' commitment to public education and to supporting the initiatives and mandates of the Maryland Bridge to Excellence legislation.

Dr. Fulton's report included 2003-2004 comparative data on state and local Student Achievements and Teacher Quality and Turnover Rate, along with information on Fiscal Responsibility, Collaborative Initiatives and the Textbook Accountability Policy. The data presented by the school system indicates that there has been progress in student achievement in both reading and mathematics for all students. However, there continues to be a gap in the achievement of various subgroups of students. Dr. Fulton outlined the initiatives implemented this school year, as well as those that will be in place next year to close the achievement gap for underperforming subgroups.

*Commissioner Raley asked Dr. Fulton to provide the Commissioners with the turnover number for non-retiring school teachers and encouraged the school system to continue their attempts to provide parents with information on the Textbook Policy.*

*Commissioner Mattingly asked Dr. Fulton to provide the number of teachers who are currently teaching "core academic subjects," to look into the results of placing a resource person at Spring Ridge, and to continue looking for creative ways to encourage parental involvement in both the academic and discipline areas. To help students succeed, Commissioner Jarboe encouraged the school system to look for additional programs, such as the after school program at Park Hall, particularly in the more urban areas. As a follow-up and in keeping with the joint resolution, Commissioner McKay asked County Administrator George Forrest to initiate, on behalf of the Board of County Commissioners, the establishment of a task force to look at additional collaborative*

*efforts that the Board of Education and Board of County Commissioners may want to pursue.*

## **COUNTY ADMINISTRATOR**

1. Draft Agendas for May 10 and May 17, 2005, were presented to the Board.
2. **St. Mary's County Public Schools** (*Dr. Daniel Carney, Chief Financial Officer*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign letter to St. Mary's County Board of Education authorizing categorical budget transfers in the General Fund for FY2005 totaling \$441,304. Motion carried 5-0.**

3. **Chief Financial Officer** (*Elaine Kramer*)

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment for \$700 for allocation of funds to purchase 25 bibles for the Detention Center. Motion carried 5-0.**

4. **Department of Public Works and Transportation** (*George Erichsen, Director*)

a. Public Works Agreement Addendum for Bay Ridge Estates Subdivision, Section 4. *Located in the 8th Election District with an expiration date of April 1, 2006. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$152,000 remains as posted based on the Department's Inspection Report dated March 21, 2005. The Public Works Agreement and Letter of Credit in the amount of \$343,600 were originally issued on May 2, 2002. The roads included in this agreement are: Bay Ridge Road (913'), Sawgrass Drive (498'), Ketch Court (845'), and Robert Eliff Place (250').*

b. Public Works Agreement Addendum for the Addition to Greenbrier. *Located in the 8th Election District with an expiration date of May 1, 2006. The Bond provided by the American Southern Insurance Company in the amount of \$234,700 remains as posted based on the Department's Inspection Report dated March 24, 2005. The Public Works Agreement and Bond in the amount of \$234,700 were originally issued on April 1, 2004. The roads included in this agreement are: Brooke Anne Court (499') and Shelby Leigh Court (344').*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Public Works Agreement Addendums items a & b. Motion carried 5-0.**

c. Claim Letter to the National Fire Insurance Company of Hartford for Grading Permit #02-32, AutoZone, Inc. *The site is located on MD Route 235 in the 8th*

*Election District, and work has not been completed based on the Department of Land Use & Growth Management's Inspection Report dated April 1, 2005.*

- d. Claim Letter to the Travelers Casualty and Surety Company of America for Grading Permit #03-05, Wawa, Inc. *The site is located on MD Route 4 in the 8th Election District, and work has not been completed based on the Department of Land Use & Growth Management's Inspection Report dated April 15, 2005.*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Claim Letters for items c & d. Motion carried 5-0.**

- e. **Commissioner Dement moved, seconded by Commissioner Raley, to approve the scheduling of Public Hearings for the Holly Point Shore Erosion Control Special Taxing District. Motion carried 5-0.**

- f. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$64,000 to cover anticipated fuel cost monthly increases/adjustments in Non-Public School Bus Contractors payments from the Commissioners' Emergency Reserve Account. Motion carried 5-0.**

**5 & 6. Department of Public Safety** (*Patrick Walsh, Director*) and **Department of Land Use and Growth Management** (*Denis Canavan, Director*)

Present proposed Re-Organization Plans for the Public Safety and Land Use and Growth Management Departments.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to table County Administrator items 6 and 7, presentation of reorganization plans, until the Board appoints a new Human Resources Director. Commissioners Mattingly and Raley voted no. The motion carried 3-2.**

*Commissioner Mattingly indicated that, particularly in light of his background and knowledge of public safety, he would like to participate as much as possible in the discussion process regarding the Dept. of Public Safety's reorganization, but does want to ensure that he recuses himself where necessary and requested the County Attorney's assistance in identifying those areas. Commissioner Raley indicated that he was in a similar situation and will also be recusing himself where necessary.*

*County Administrator George Forrest advised the Board that a conservative estimate on the amount of time that the Board could expect a new HR Director to be on-board and able to make recommendations on the proposed reorganization plans is 90 days.*

7. **Department of Recreation, Parks, and Community Services** (*Phil Rollins, Director; Debra Pence, Museum Director*)

**Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign 2005 Chesapeake Bay Gateways Network grant application for the Piney Point Lighthouse Museum and Park. Motion carried 5-0.**

8. **Department of Aging** (*Gene Carter, Director; Peggy Maio, Fiscal Supervisor*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Notice of Grant Agreements for the Older Americans Act Title III and related Budget Amendment. Motion carried 5-0.**

9. **County Administrator** (*George Forrest; June Robrecht, Acting HR Director; John Norris III, County Attorney*)

Approve the new Human Resources Manual of Personnel, Policies, and Procedures.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to insert language in Section 3706(a), Grievance Procedure, to give employees the right to a face to face meeting with the department head prior to the department head responding to the grievance in writing. Motion carried 5-0.**

The Commissioners directed staff to make the following additional changes to the draft, revised Human Resources Manual:

- *Delete reference to sworn officers in 1908a*
- *In section 2403(a), Pay and Processing for Acting Capacity: Correct to clarify that increase should be to the step closest to 4%*
- *1207 and 1208 (a), Evaluation of Employee's Performance and Marginal or Unsatisfactory Performance (for consistency and clarity, remove the term "marginal and use "unsatisfactory.")*
- *County Attorney will review language in 1404, County Vehicles, to determine if necessary to add language in the Manual or elsewhere stating that volunteers or staff are authorized to drive County vehicles provided they have appropriate commercial license required by the State of Maryland. It was suggested that this language may be more suited for inclusion in the Emergency Operations or Transportation Manuals.*
- *Ensure that 2713(a), Military leave, does not infringe upon or eliminate benefits the Board agreed to provide in a previous Resolution.*

*Staff was directed to provide the Board with a final, revised copy of the HR Manual for their approval at a future meeting.*

## **PUBLIC HEARING**

Present: George Erichsen, Director, Dept. of Public Works and Transportation  
Joyce Malone, Real Property Manager

Mr. Erichsen certified that the Public Hearing to consider establishing a public utility easement to provide an available corridor for the future that will transverse the St. Andrews Landfill (Tax Map 42, Parcels 104 and 191) was duly advertised in The Enterprise newspaper on April 22 and 29, 2005.

Commissioner McKay opened the hearing for public comments. There was no one present to speak to the matter and the public hearing was closed, but will remain open for 10 days for written public comment.

*Commissioner Raley asked Mr. Erichsen if consideration had been given to charging a fee for such easements in order to provide some benefit to the County. Mr. Erichsen indicated that significant public use had been established that would offset any fee the County may want to impose for the easement.*

## **PROPOSED RESOLUTION TO ESTABLISH A DOMESTIC VIOLENCE TASK FORCE**

At the direction of the Board, County Administrator George Forrest presented a proposed resolution to establish a Task Force to advise the Board on the issue of domestic violence in St. Mary's County. The Task Force will address the issues of prevention and treatment of domestic violence, community outreach, coordination of resources and agencies, and any other issues relating to domestic violence that the Board or Task Force deems appropriate. The Task Force will meet as necessary to prepare and present a report to the Board no later than February 1, 2006

*Commissioner McKay asked that the Task Force also look at a property acquired through forfeiture as a possible site for a future safe house prior to February 2006.*

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt the Resolution to establish a Domestic Violence Task Force as presented. Motion carried 5-0.**

## **COMMISSIONERS' TIME**

### Commissioner Dement

Attended, St. Mary's County Chamber of Commerce Business After Hours hosted by new Spinnaker's Restaurant, 36<sup>th</sup> Year of Special Olympics in St. Mary's County at Leonardtown High School (and presented awards), stopped by Crystal Room for 27<sup>th</sup> Annual Child Welfare Day, St. Mary's College Athletics and Recreation Center

Dedication, Chaptico Park Dedication, Piney Pt. Lighthouse event, and the Annual Meeting of the League of Women Voters at Virginia Stein's residence.

Commissioner Mattingly

Thanks to all of citizens who attended and participated in the Recommended FY2006 Budget Public Hearings on April 26<sup>th</sup>. We appreciate your comments.

Attended Hollywood Elementary's Bi-annual Environmental/Technology Day. Students took us on tour and we got to see what a nice job they are doing with the environmental program.

Congratulations to Special Olympics Director Mary Lu Bucci, Director. There was a great turnout for this event.

Also attended 27<sup>th</sup> Annual Child Welfare Day at the Crystal Room. Congratulations to the Historical Society. There was a strong turnout for their Annual Members Dinner Meeting.

Attended the 58<sup>th</sup> Annual Convention of the Southern Maryland Volunteer Firemen's Association. Congratulations to outgoing President John Gatton and to new President Jimmy Mattingly (who has moved back to Mechanicsville).

Attended preview of the new Piney Point Lighthouse Museum. Encourage all to take ride to Piney Point and take a look at the nice work done that has been done.

Also dropped by the League of Women Voters meeting, Taste of Southern Maryland. Visited with folks at the Southern Maryland Work Source (formerly Southern Maryland Works) in Waldorf. They will be requesting time on the Commissioners' agenda to discuss the impact of state cuts on their budget.

Want to extend sympathies to the Parlett family on the passing of John Knight Parlett. Mr. Parlett was a former state delegate and county commissioner and a good friend to the community.

Encourage everyone to come out to the Basket Bingo this Thursday night at the Leonardtown Fire Department.

Commissioner Jarboe

Congratulations to Nick Bruno who won the St. Mary's and Maryland state science fair awards and will be traveling to Phoenix for the national event. Would like to request consensus from the Board to provide Mr. Bruno with a supply of St. Mary's County pins to take with him to the nationals for exchange with other participants. Commissioner

Mattingly suggested that a County seal and flag also be provided to Mr. Bruno to include with his exhibit.

Commissioner Raley

No comments at this time.

Commissioner President McKay

The Nicolet Park Phase II Ribbon Cutting Ceremony will be held on May 10<sup>th</sup> at 4:00 p.m. The event will include the dedication of a donated flagpole and a flag ceremony honoring the late ADRC Joe Shepherd, USN, Retired.

I will be hosting a Critical Area Forum entitled, "Treasuring Our Natural Resources: A Closer Look at Critical Areas in St. Mary's County," on Wednesday, May 11, 2005, beginning at 6:30 p.m., in the Cole Cinema at St. Mary's College of Maryland, in St. Mary's City. The forum will include presentations from the Maryland Critical Area Commission President Senator Martin Madden and Executive Director Ren Serey, as well as presentations on the local Critical Area Plan by the Department of Land Use and Growth Management and others. A question and answer period will also be included. The Board of County Commissioners is also invited to join Maryland Critical Area Chair and Executive Director on a tour of the Circle C Oyster Ranch and tour of St. George Island via the Skipjack, "The Dee."

The St. Mary's County Employee Wellness Day will take place Friday, May 6, 2005, from 10 a.m. to 2:30 p.m., at the Leonard Hall Recreation Center, Leonardtown.

**APPOINTMENTS TO DOMESTIC VIOLENCE TASK FORCE**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to appoint the following to serve on the Domestic Violence Task Force. Motion carried 5-0.**

Sheriff Dave Zylak, Sheriff's Department  
Ms. Cynthia Brown, Manager of Community Services (County Representative)  
Col. Tim Hutchins, State's Attorney  
Richard Fritz, State's Attorney's Office  
Judge Marvin Kaminetz  
Mr. Bob Richardson, Field Supervisor, Parole and Probation  
Dr. Orlee Panitch, St. Mary's Hospital  
Dr. Kathleen O'Brien, Director, Walden Sierra  
Lanny Lancaster, Director, Three Oaks Center  
Jennifer Murphy, Victims Services Coordinator, Center for Children  
Laura Joyce, Executive Director, So. Md. Center for Family Advocacy  
Maureen Johnson, Board Member, A Better Life,  
Ella May Russell, Dept. of Social Services  
Rev. Rona Harding, Church of the Ascension

Kathleen Lyon, Director of Pupil Services, SMCPs  
Alma Jean Young, Victim Representative  
Johnny Coombs, Victim Representative  
Delilah Ann Taylor, Alternate for Alma Young  
Jennifer Brien, Alternate for Johnny Coombs

**Commissioner Jarboe moved, seconded by Commissioner Dement, to bring back to the Commissioners' table the Resolution establishing a Domestic Violence Task Force that was adopted previously in today's meeting Motion carried 5-0.**

The Commissioners discussed the provision in the Resolution that calls for the Board of County Commissioners to appoint the Task Force's chairperson.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to modify the previously adopted Resolution to reflect that the Domestic Violence Task Force shall have the authority to appoint a chairperson from among its membership at the first meeting of the Task Force. Motion carried. 5-0.**

#### **FY 2006 BUDGET WORK SESSION**

The Commissioners recessed from the regular business meeting to conduct a Budget Work Session.

#### **RETURN TO REGULAR BUSINESS MEETING**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt the amended Resolution establishing the Domestic Violence Task Force. Motion carried 5-0.**

#### **ADJOURNMENT**

The meeting adjourned at 4:12 p.m.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

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Donna Gebicke, Administrative Assistant

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